



U.S. Army Corps of Engineers

The USACE is a world-wide organization that provides engineering services and construction support for a variety of military and civil projects. Our primary civilian mission is to develop, manage and protect the country's water resources.

An aerial photograph of a large, dark blue reservoir or lake. The water body is irregularly shaped with a small island in the center. It is surrounded by a dense, lush green forest. The text is overlaid on the upper portion of the image.

U.S. ARMY CORPS OF ENGINEERS NEW ENGLAND DISTRICT

REGULATORY PROGRAM OVERVIEW

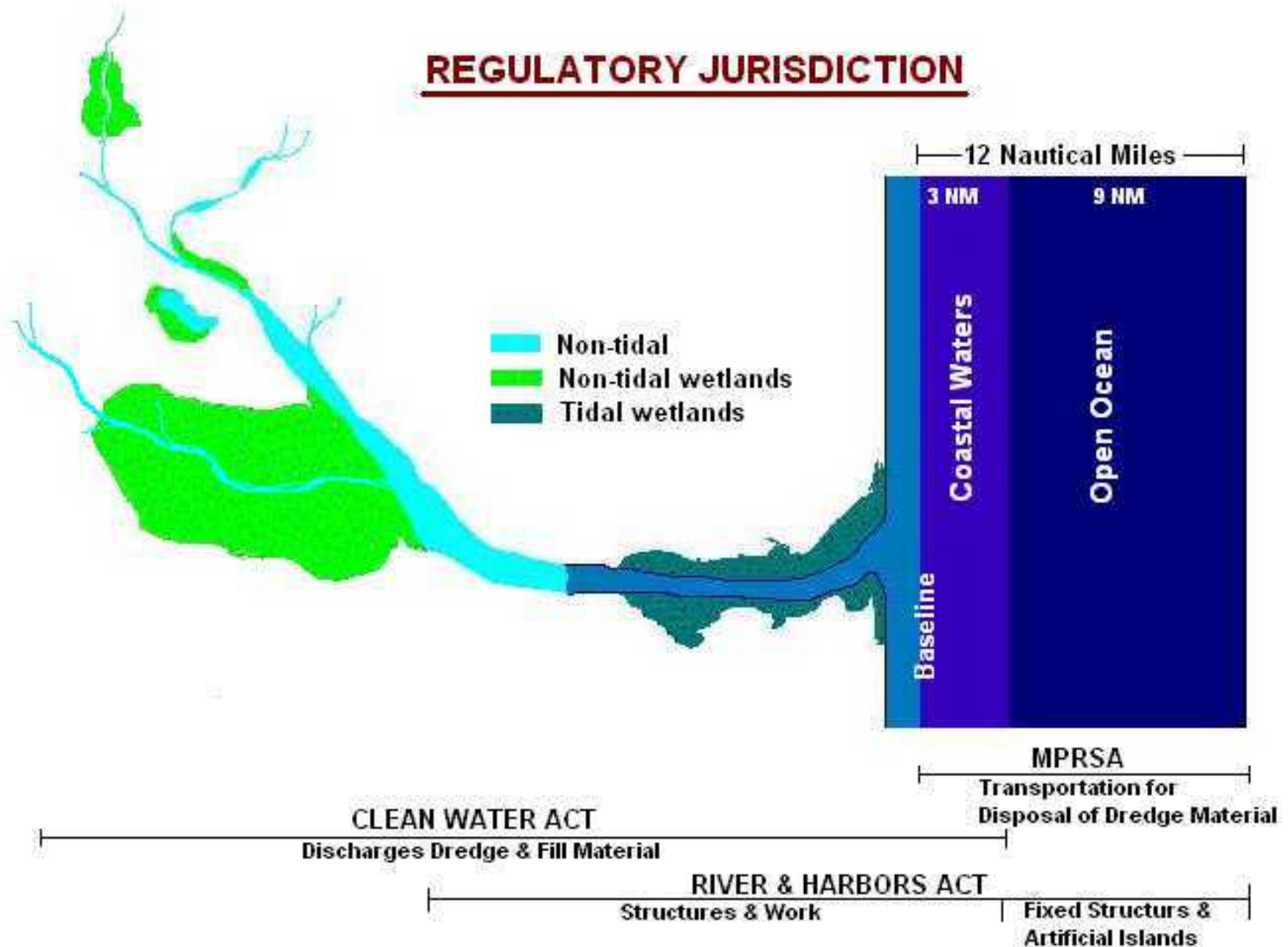


PERMIT AUTHORITIES

New England District

- **Section 10 of the Rivers and Harbors Act of 1899**
- **Section 404 of the Clean Water Act of 1972**
- **Section 103 of the Marine Protection, Research Sanctuaries Act of 1972**

REGULATORY JURISDICTION





PERMIT AUTHORITIES

Section 10 - Rivers & Harbor Act of 1899

New England District

- Prohibits obstruction or alteration of any navigable water of the U.S.
- Authority to issue permits in navigable waters of the U.S.
- Federal jurisdictional boundary:
ordinary high water (OHW) line
- Navigable waters in Vermont

Section 10



New England District



Lake Champlain Yacht Club in Shelburne,
VT



St. Albans Pier



PERMIT AUTHORITIES

Section 404 of the Clean Water Act

New England District

- Authority to issue permits for the discharge of material into all waters of the U.S. (definition at 33 CFR 328.3)
- Federal jurisdictional boundaries:
 - High Tide Line (HTL) in navigable waters.
 - Ordinary High Water (OHW) line in other waterways.
 - Wetland limit / boundary
- Wetland boundaries are delineated using the Jan. '87 Corps Wetlands Delineation Manual

Section 404



New England District



RUGG BROOK, ST. ALBANS, VT





TYPES OF PERMITS

New England District

Programmatic General Permits (PGP'S)

- Abbreviated permit process (60 days)
 - Fills under one acre with three screening categories
- Minimal impact projects

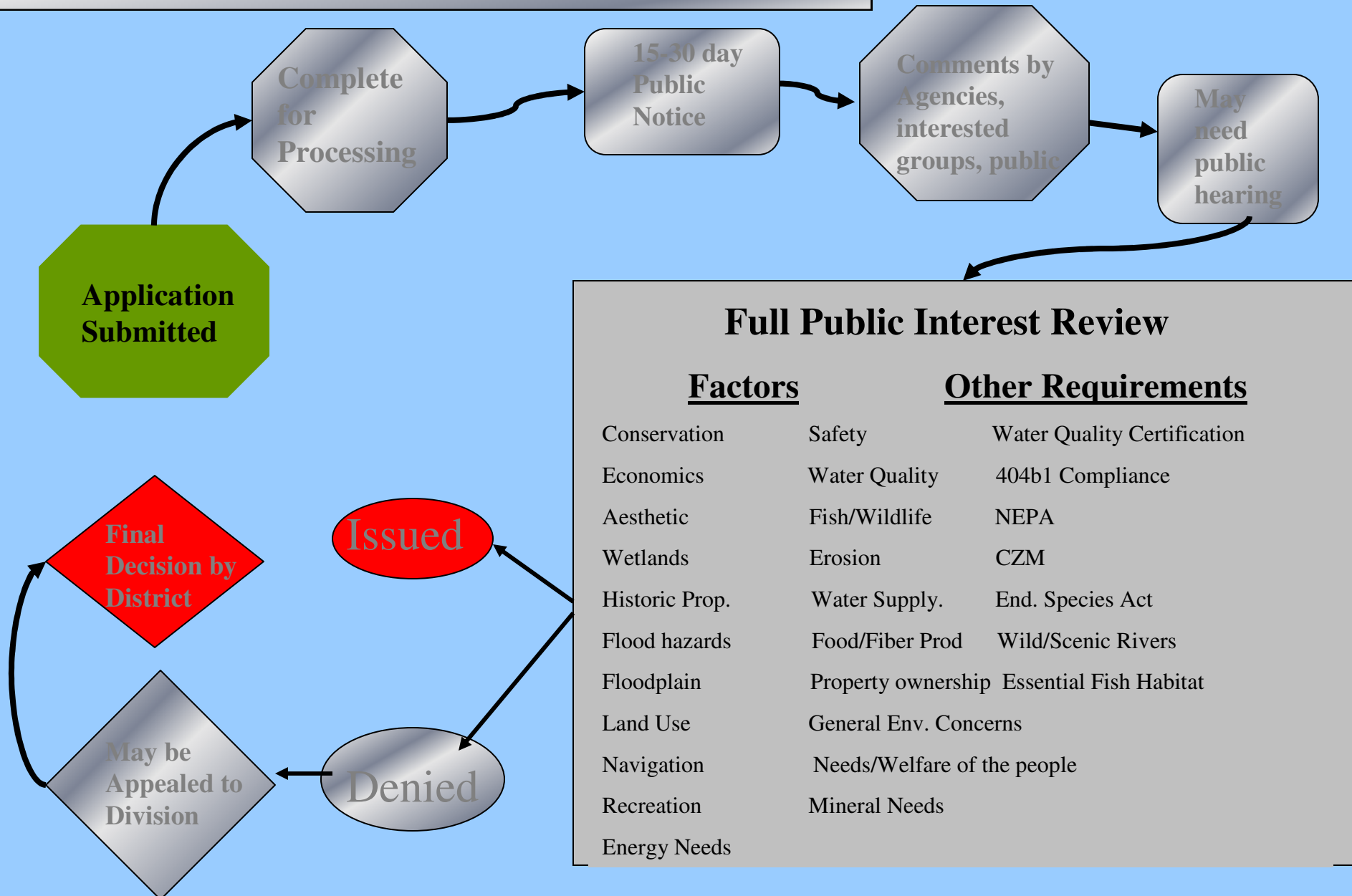
 **Nationwide permits (NWP's)** are a type of general permit issued by the Chief of Engineers and are designed to regulate with little, if any, delay or paperwork certain activities having minimal impacts.

Individuals Permits

- Permits processed within 120 days
- More complex or controversial projects
 - Public notice/hearing
 - Full public interest review
 - EA/SOF/EIS
 - 404(b)(1) Guidelines

TYPES OF PERMITS

IP - EVALUATION PROCESS





Section 401

New England District

- State 401 water quality certification pursuant to section 401 of the Clean Water Act, or waiver thereof, is required prior to the issuance or reissuance of GPs, NWP's and IPs authorizing activities which may result in a discharge into waters of the United States.
- The State reviews the effect of the discharge on water quality standards.



OTHER LEGISLATION & ISSUES

- National Historic Preservation Act – 1966
- Endangered Species Act
- SWANNC
- Tulloch Rule
- Rapanos 2006



QUESTIONS

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